

REMARKS

Claims 10-29 remain pending; claims 10 and 20 are independent claims. Claims 10 and 20 have been amended; claims 1-9 were previously cancelled. Reconsideration of the application, as amended, is respectfully requested.

Request for Continued Examination

The instant application is currently under appeal (Notice of Appeal submitted 12/31/2007). Accordingly, a Request for Continued Examination is proper under 37 CFR § 1.114.

Previous Amendments

Applicants acknowledge entry of the amendment submitted along with the Notice of Appeal on 12/31/2007. The amendment included amendments to the specification, drawings, and claims. The claim amendments in this paper are set forth with respect to the claims as they stand after the amendment of 12/31/2007.

Rejections under 35 USC § 112

Claims 10-29 stand rejected under 35 USC § 112 ¶ 1 as failing to comply with the written description requirement. Applicants appreciate the Examiner's agreement in the Advisory Action of 12/31/2007 that the rejection of Claims 10 and 20 had been overcome by the amendment of 12/31/2007. Applicants respectfully request withdrawal of the rejection.

Rejections under 35 USC § 102

Claims 10-13, 17, 20-24, and 26 stand rejected under 35 USC § 102(b) as being anticipated by Moreland (US 6,364,508).

The rejection is believed overcome, because claims 10-13, 17, 20-24, and 26 are neither anticipated by Moreland nor obvious in light of Moreland for at least the following reasons.

Each of claims 10 and 20 recites "wherein the body is sized ... to fit within the interior of the slotted track *with opposing ends of the body frictionally engaged with opposing side walls of the track* when the narrower axis is parallel to the track" (emphasis added).

Applicants appreciate the Examiner's suggestion of this language in the Advisory Action of 12/31/2007. Moreland does not disclose a body so sized in any orientation. The final Office Action does not identify any portion or element disclosed by Moreland that states or shows such a body.

In Moreland, crossbar 82 is integrally formed with slide mount 80 to form a kind of T-shaped structure, which fits into the slot of a track system. The intent is to enable the structure to slide along the track by retaining crossbar 82 within the track (see Fig. 3; column 6 lines 1-15 and elsewhere). Nowhere does Moreland disclose or suggest that the ends of the body (i.e., crossbar 82 or the T-shaped structure as a whole) ever should be sized to frictionally engage opposing side walls of the track. To the contrary, frictional engagement would prevent the slide mount from sliding along the track as intended. Nor is there any reason why it would be desirable to modify Moreland so as to have the crossbar frictionally engage the inside side walls of the track, because such frictional engagement would render Moreland's device unsuitable for its intended purpose (i.e., to slide along the slotted track).

Because Moreland does not disclose all elements and limitations of claim 10 or claim 20, withdrawal of the rejection under 35 CFR § 102 is respectfully requested.

Claims 10-20 and 22-27 also stand rejected under 35 USC § 102(b) as being anticipated by Onishi (US 6,588,711).

The rejection is believed overcome, because it is respectfully submitted that claims 10-20 and 22-27 are neither anticipated by Onishi nor obvious in light of Onishi for much the same reasons. As noted above, each of the independent claims requires that the body be "sized to fit within the interior of the slotted track with opposing ends of the body frictionally engaged with opposing side walls of the track when the narrower axis is parallel to the track." Onishi does not disclose that element any more than does Moreland.

Onishi discloses a fixture for fastening to a slotted rail that includes, *inter alia*, a threaded retaining plate (i.e., "fastening nut") 1, a bracket 30/31/33, and a screw 4. Turning the screw apparently causes the retaining plate to move along the bracket, to enable tightening the fixture against the slotted surface of the rail. The threaded

retaining plate 1 is identified in the final Office Action as corresponding to the body of the lock recited in the claims, and the portion 33 of the bracket is thought to correspond to the neck recited in the claims.

Nowhere does Onishi disclose or suggest that the retaining plate fit snugly within a slotted rail or track with its opposing ends frictionally engaged with corresponding opposing sides of the rail or track. Although the fixture of Onishi can be *fastened against* the slotted rail by tightening the screw (assuming the retaining plate is properly positioned), that is not the same as frictionally engaging opposing side walls of the rail with opposing ends of the plate. Like Moreland, modifying Onishi to have the retaining plate frictionally engage opposing sides of the slotted rail would be inconsistent with Onishi's plain intent to allow the plate to slide along the slotted track. Moreover, in Onishi, such a modification would make that inventor's whole system of tightening the fixture against the rail with a screw unnecessary. Moreover, Onishi specifically teaches that a purpose of his invention is to prevent contact between the retaining plate and the rail during tightening of the screw into the retaining plate (e.g., column 2 lines 53-60), which purpose is contrary to the claimed feature frictionally engaging opposing ends of the body with opposing sides of the rail.

Further, Onishi does not disclose that the bracket and retaining plate are integrally formed. Each of claims 10 and 20 recites "a neck *formed integrally* with the body at one end and *formed integrally* with the handle at the other end" (emphasis added).

Onishi discloses that the retaining plate is intended to slide along the portion 33 of the bracket. The retaining plate must slide along the portion 33 of the bracket to enable fastening of the fixture to the slotted rail. The bracket and retaining plate cannot be integrally formed and also provide the required movement. There is no indication that the fixture of Onishi can or should be modified to be integrally formed, because such integral formation would render the fixture of Onishi unsuitable for its intended purpose.

Because not all elements and limitations of claim 10 or 20 are disclosed by Onishi, withdrawal of the rejection under 35 CFR § 102 is respectfully requested.

In view of the above distinctions based on the independent claims, it is not considered necessary to discuss further distinctions arising from select dependent claims.

Conclusion

In view of the above, it is respectfully submitted that Claims 10-29 are in condition for allowance. Reconsideration of the rejections is respectfully requested. Allowance of Claims 10-29 at an early date is earnestly solicited.

Respectfully submitted,
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